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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

K. PHILLIP TAYLOR,

Plaintiff,

vs.

MULBERRY EXCHANGE  
CORPORATION; MAHENDRA PATEL;  
and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff K. PHILLIP TAYLOR ("Plaintiff") complains of Defendants  
MULBERRY EXCHANGE CORPORATION; MAHENDRA PATEL; and DOES 1 to  
10 ("Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
from Cerebrovascular disease, a condition that has severely affected his physical abilities.

1 As a result, he has been disabled since 1999 and is dependent on a wheelchair for  
2 mobility. Plaintiff requires the use of a wheelchair at all times when traveling in public.

3 2. Defendants are, or were at the time of the incident, the real property owners,  
4 business operators, lessors and/or lessees of the real property for a motel (“Business”) located at or about 1440 W. Mission Blvd., Ontario, California.

6 3. The true names and capacities, whether individual, corporate, associate or  
7 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
8 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
9 Court to amend this Complaint when the true names and capacities have been  
10 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
11 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
12 Plaintiff for the acts herein alleged.

13 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
14 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
15 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
16 the things alleged herein was acting with the knowledge and consent of the other  
17 Defendants and within the course and scope of such agency or employment relationship.

18 5. Whenever and wherever reference is made in this Complaint to any act or  
19 failure to act by a defendant or Defendants, such allegations and references shall also be  
20 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
21 and severally.

## 22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
24 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
25 *seq.*).

26 7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
27 arising from the same nucleus of operating facts, are also brought under California law,  
28

1 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
2 54, 54., 54.3 and 55.

3 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

4 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
5 property which is the subject of this action is located in this district, San Bernardino  
6 County, California, and that all actions complained of herein take place in this district.

7 **FACTUAL ALLEGATIONS**

8 10. In or about September of 2024, Plaintiff went to the Business.

9 11. The Business is a motel business establishment, open to the public, and is a  
10 place of public accommodation that affects commerce through its operation. Defendants  
11 provide parking spaces for customers.

12 12. While attempting to enter the Business during each visit, Plaintiff personally  
13 encountered a number of barriers that interfered with his ability to use and enjoy the  
14 goods, services, privileges, and accommodations offered at the Business.

15 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
16 included, but were not limited to, the following:

17 a. Defendants failed to comply with the federal and state standards for  
18 the parking space designated for persons with disabilities. Defendants  
19 failed to provide an access aisle with level surface slope as there was a  
20 permanent rain channel installed within the boundary of the access  
21 aisle.

22 b. Defendants failed to maintain the parking space designated for  
23 persons with disabilities to comply with the federal and state  
24 standards. Defendants failed to provide accessible parking space  
25 designated for persons with disabilities as there were obstructions  
26 such as a "not an exit" sign and cone blocking access to the handicap  
27 parking space and access aisle.



- 1 a. A failure to make reasonable modification in policies, practices, or  
2 procedures, when such modifications are necessary to afford such  
3 goods, services, facilities, privileges, advantages, or accommodations  
4 to individuals with disabilities, unless the entity can demonstrate that  
5 making such modifications would fundamentally alter the nature of  
6 such goods, services, facilities, privileges, advantages, or  
7 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 8 b. A failure to take such steps as may be necessary to ensure that no  
9 individual with a disability is excluded, denied services, segregated or  
10 otherwise treated differently than other individuals because of the  
11 absence of auxiliary aids and services, unless the entity can  
12 demonstrate that taking such steps would fundamentally alter the  
13 nature of the good, service, facility, privilege, advantage, or  
14 accommodation being offered or would result in an undue burden. 42  
15 U.S.C. § 12182(b)(2)(A)(iii).
- 16 c. A failure to remove architectural barriers, and communication barriers  
17 that are structural in nature, in existing facilities, and transportation  
18 barriers in existing vehicles and rail passenger cars used by an  
19 establishment for transporting individuals (not including barriers that  
20 can only be removed through the retrofitting of vehicles or rail  
21 passenger cars by the installation of a hydraulic or other lift), where  
22 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 23 d. A failure to make alterations in such a manner that, to the maximum  
24 extent feasible, the altered portions of the facility are readily  
25 accessible to and usable by individuals with disabilities, including  
26 individuals who use wheelchairs or to ensure that, to the maximum  
27 extent feasible, the path of travel to the altered area and the  
28 bathrooms, telephones, and drinking fountains serving the altered

1 area, are readily accessible to and usable by individuals with  
2 disabilities where such alterations to the path or travel or the  
3 bathrooms, telephones, and drinking fountains serving the altered area  
4 are not disproportionate to the overall alterations in terms of cost and  
5 scope. 42 U.S.C. § 12183(a)(2).

6 21. Where parking spaces are provided, accessible parking spaces shall be  
7 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
8 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
9 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
10 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
11 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

12 22. Under the 1991 Standards, parking spaces and access aisles must be level  
13 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
14 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
15 shall be part of an accessible route to the building or facility entrance and shall comply  
16 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
17 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
18 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
19 directions. 1991 Standards § 4.6.3.

20 23. Here, the access aisle is not level with the parking spaces as there was a  
21 permanent rain channel installed within the boundary of the access aisle. Under the 2010  
22 Standards, access aisles shall be at the same level as the parking spaces they serve.  
23 Changes in level are not permitted. 2010 Standards § 502.4. “Access aisles are required  
24 to be nearly level in all directions to provide a surface for transfer to and from vehicles.”  
25 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is permitted.

26 24. At least one accessible route shall connect accessible building, facilities,  
27 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public  
28 accommodation shall maintain in operable working condition those features of facilities

1 and equipment that are required to be readily accessible to and usable by persons with  
2 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

3 25. Here, Defendants failed to provide accessible parking space designated for  
4 persons with disabilities as there were obstructions such as a “not an exit” sign and cone  
5 blocking access to the handicap parking space and access aisle.

6 26. A public accommodation shall maintain in operable working condition those  
7 features of facilities and equipment that are required to be readily accessible to and usable  
8 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

9 27. By failing to maintain the facility to be readily accessible and usable by  
10 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related  
11 regulations.

12 28. The Business has denied and continues to deny full and equal access to  
13 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
14 discriminated against due to the lack of accessible facilities, and therefore, seeks  
15 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
16 by individuals with disabilities.

17 **SECOND CAUSE OF ACTION**

18 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

19 29. Plaintiff incorporates by reference each of the allegations in all prior  
20 paragraphs in this complaint.

21 30. California Civil Code § 51 states, “All persons within the jurisdiction of this  
22 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
23 national origin, disability, medical condition, genetic information, marital status, sexual  
24 orientation, citizenship, primary language, or immigration status are entitled to the full  
25 and equal accommodations, advantages, facilities, privileges, or services in all business  
26 establishments of every kind whatsoever.”

27 31. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
28 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable



1 for each and every offense for the actual damages, and any amount that may be  
2 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
3 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
4 attorney's fees that may be determined by the court in addition thereto, suffered by any  
5 person denied the rights provided in Section 51, 51.5, or 51.6.

6 32. California Civil Code § 51(f) specifies, "a violation of the right of any  
7 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
8 shall also constitute a violation of this section."

9 33. The actions and omissions of Defendants alleged herein constitute a denial  
10 of full and equal accommodation, advantages, facilities, privileges, or services by  
11 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
12 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
13 51 and 52.

14 34. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
15 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
16 damages as specified in California Civil Code §55.56(a)-(c).

### 17 **THIRD CAUSE OF ACTION**

#### 18 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

19 35. Plaintiff incorporates by reference each of the allegations in all prior  
20 paragraphs in this complaint.

21 36. California Civil Code § 54.1(a) states, "Individuals with disabilities shall be  
22 entitled to full and equal access, as other members of the general public, to  
23 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
24 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,  
25 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
26 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
27 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
28 places of public accommodations, amusement, or resort, and other places in which the



1 general public is invited, subject only to the conditions and limitations established by  
2 law, or state or federal regulation, and applicable alike to all persons.

3 37. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
4 corporation who denies or interferes with admittance to or enjoyment of public facilities  
5 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
6 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
7 the actual damages, and any amount as may be determined by a jury, or a court sitting  
8 without a jury, up to a maximum of three times the amount of actual damages but in no  
9 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
10 determined by the court in addition thereto, suffered by any person denied the rights  
11 provided in Section 54, 54.1, and 54.2.

12 38. California Civil Code § 54(d) specifies, “a violation of the right of an  
13 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
14 constitute a violation of this section, and nothing in this section shall be construed to limit  
15 the access of any person in violation of that act.

16 39. The actions and omissions of Defendants alleged herein constitute a denial  
17 of full and equal accommodation, advantages, and facilities by physically disabled  
18 persons within the meaning of California Civil Code § 54. Defendants have  
19 discriminated against Plaintiff in violation of California Civil Code § 54.

20 40. The violations of the California Disabled Persons Act caused Plaintiff to  
21 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
22 statutory damages as specified in California Civil Code §55.56(a)-(c).

### 23 **FOURTH CAUSE OF ACTION**

#### 24 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

25 41. Plaintiff incorporates by reference each of the allegations in all prior  
26 paragraphs in this complaint.

27 42. Plaintiff and other similar physically disabled persons who require the use of  
28 a wheelchair are unable to use public facilities on a “full and equal” basis unless each

1 such facility is in compliance with the provisions of California Health & Safety Code §  
2 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
3 provisions of California Health & Safety Code § 19955 et seq.

4 43. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
5 that public accommodations or facilities constructed in this state with private funds  
6 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
7 Title 1 of the Government Code. The code relating to such public accommodations also  
8 require that “when sanitary facilities are made available for the public, clients, or  
9 employees in these stations, centers, or buildings, they shall be made available for  
10 persons with disabilities.

11 44. Title II of the ADA holds as a “general rule” that no individual shall be  
12 discriminated against on the basis of disability in the full and equal enjoyment of goods  
13 (or use), services, facilities, privileges, and accommodations offered by any person who  
14 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
15 Further, each and every violation of the ADA also constitutes a separate and distinct  
16 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
17 award of damages and injunctive relief pursuant to California law, including but not  
18 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

19 **FIFTH CAUSE OF ACTION**

20 **NEGLIGENCE**

21 45. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23 46. Defendants have a general duty and a duty under the ADA, Unruh Civil  
24 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
25 to the Plaintiff.

26 47. Defendants breached their duty of care by violating the provisions of ADA,  
27 Unruh Civil Rights Act and California Disabled Persons Act.  
28

48. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;
2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;
3. Award of all reasonable restitution for Defendants' unfair competition practices;
4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;
5. Prejudgment interest pursuant to California Civil Code § 3291; and
6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: December 17, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff